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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/647,593 | 08/25/2003 | Tina L. Dupuis | DUP-001 | 2407 |

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EXAMINER

KAUFFMAN, BRIAN K

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,593

Applicant(s)

DUPUIS, TINA L.

Examiner

Brian K Kauffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kawasato et al. (6,004,018). Kawasato et al. discloses a method for producing a craft project, the method comprising: displaying a graphical workspace on a display screen (fig.6); placing a plurality of images in the graphical workspace for inclusion in the craft project; producing a composite image from the plurality of images in the workspace; and converting the composite image into instructional information used to produce the craft project (col. 6, lines 35-39).

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinreich (4,621,443). Weinreich discloses a method for producing a craft project, the method comprising: displaying a graphical workspace on a display screen (fig. 1); placing a plurality of images in the graphical workspace for inclusion in the craft project; producing a composite image from the plurality of images in the workspace; and converting the composite image into instructional information used to produce the craft project (col. 11, lines 16-19 and 57-59).

Claims 1, 3, and 8-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg et al. (6,196,146). In regard to claims 1, 3, and 8-12, Goldberg et al.

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discloses a method for producing a craft project, the method comprising: displaying a graphical workspace on a display screen; placing a plurality of images in the graphical workspace for inclusion in the craft project; producing a composite image from the plurality of images in the workspace; and converting the composite image into instructional information used to produce the craft project (col. 3, lines 34-41).

In regard to claims 13-16, Goldberg et al. discloses a method for producing a craft project, the method comprising: transmitting a Web page to a client system, the Web page producing a graphical workspace on a display screen of the client system and enabling the user of the client system to produce a composite image from a plurality of images; receiving the composite image from the client system over a network; and converting the composite image into instructional information for use in generating the craft project (fig. 2 and fig. 3).

In regard to claims 17-20, Goldberg et al. discloses a network comprising a client system connected to a server system, the client system executing browser software for accessing a Web page hosted by the server system, the Web page producing graphical workspace on a screen display at the client system when downloaded from the server system, the Web page enabling the user of the client system to generate a composite image from a plurality of images placed into the graphical workspace by the user, the client system transmitting the composite image to the server system for conversion into instructional information for producing a craft project (fig. 3 and fig. 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasato et al. (6,004,018) in view of Brundige (4,310,313). In regard to claim 4, Kawasato et al. does not disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel. Brundige does disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel (fig. 2, col. 2, lines 61-67).

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Mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kawasato et al.'s device to map each thread position to a pixel of the composite image and associating the thread position with a color of the pixel as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 5, Kawasato et al. does not disclose mapping each thread position to a thread type based on the color of the associated thread position. Brundige does disclose mapping each thread position to a thread type based on the color of the associated thread position (fig. 2, col. 2, lines 61-67). Mapping each thread position to a thread type based on the color of the associated thread position provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kawasato et al.'s device to map each thread position to a thread type based on the color of the associated thread position as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 6, Kawasato et al. does not disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern. Brundige does disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern (fig. 2, col. 2, lines 61-67). Assigning symbols to thread colors and associating them with thread positions in a needlecraft

pattern provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kawasato et al.'s device to include assigning symbols to thread colors and associating them with thread positions in a needle craft pattern as taught by Brundige in order to provide easily understood and accurate instructional information.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinreich (4,621,443) in view of Brundige (4,310,313). In regard to claim 4, Weinreich does not disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel. Brundige does disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel (fig. 2, col. 2, lines 61-67). Mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weinreich's device to map each thread position to a pixel of the composite image and associating the thread position with a color of the pixel as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 5, Weinreich does not disclose mapping each thread position to a thread type based on the color of the associated thread position. Brundige does disclose mapping each thread position to a thread type based on the color of the associated thread position (fig. 2, col. 2, lines 61-67). Mapping each thread position to a thread type based on the color of the associated thread position provides easily

understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weinreich's device to map each thread position to a thread type based on the color of the associated thread position as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 6, Weinreich does not disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern. Brundige does disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern (fig. 2, col. 2, lines 61-67). Assigning symbols to thread colors and associating them with thread positions in a needlecraft pattern provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Weinreich's device to include assigning symbols to thread colors and associating them with thread positions in a needle craft pattern as taught by Brundige in order to provide easily understood and accurate instructional information.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. (6,196,146) in view of Brundige (4,310,313). In regard to claim 4, Goldberg et al. does not disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel. Brundige does disclose mapping each thread position to a pixel of the composite image and associating the thread position with a color of the pixel (fig. 2, col. 2, lines 61-67). Mapping each thread position to a pixel of the composite image and associating the

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thread position with a color of the pixel provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goldberg et al.'s device to map each thread position to a pixel of the composite image and associating the thread position with a color of the pixel as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 5, Goldberg et al. does not disclose mapping each thread position to a thread type based on the color of the associated thread position. Brundige does disclose mapping each thread position to a thread type based on the color of the associated thread position (fig. 2, col. 2, lines 61-67). Mapping each thread position to a thread type based on the color of the associated thread position provides easily understood and accurate instructional information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goldberg et al.'s device to map each thread position to a thread type based on the color of the associated thread position as taught by Brundige in order to provide easily understood and accurate instructional information.

In regard to claim 6, Goldberg et al. does not disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern. Brundige does disclose that symbols are to be assigned to thread colors and associated with thread positions in a needlecraft pattern (fig. 2, col. 2, lines 61-67). Assigning symbols to thread colors and associating them with thread positions in a needlecraft pattern provides easily understood and accurate instructional information. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to modify Goldberg et al.'s device to include assigning symbols to thread colors and associating them with thread positions in a needle craft pattern as taught by Brundige in order to provide easily understood and accurate instructional information.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: claim 7 specifically requires that the instructional information indicate which of those threads that are part of the craft project correspond to threads currently possessed by a craft worker.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

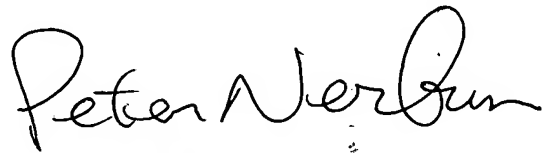
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Kauffman whose telephone number is (703)605-4933. The examiner can normally be reached on M-F every week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703)305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BKK


Peter Nerbun
Primary Examiner